

Application Serial No.: 10/589,653  
Attorney Docket No.: 26068-29C

Examiner: J. Q. Ma  
Art Unit: 1797

### **REMARKS**

Claims 1-8 and 13-15 are currently pending in this application. Claims 9-12 have been withdrawn from consideration as being directed to non-elected species, and claims 16-38 have been withdrawn as directed to a non-elected invention.

### **Election/Restriction**

Applicant acknowledges that the Examiner has requested restriction of the invention between Group I (Claims 1-15) directed to a microfluidic device, Group II (Claims 16-32) directed to a method of using a microfluidic device, and Group III (Claims 33-38) directed to a method of making a microfluidic device. In addition, Applicants acknowledge that the Examiner has indicated that the application contains claims that are directed to patentably distinct species of the invention and has requested that Applicants elect a single disclosed species for prosecution on the merits. Applicant hereby elects with traverse the invention of Group I (Claims 1-15) for prosecution on the merits. Applicant also elects with traverse Species 1-A (wherein the means for trapping the living moiety comprises sealing the microfluidic trench) for prosecution on the merits and have withdrawn claims 9-12 from consideration as being directed to non-elected species. Applicant believes that claims 1-8 and 13-15 are readable on Species 1-A.

With regards to the species requirement, in which Applicant is requested to choose Species 1-A or 1-B, Applicant respectfully request that the Examiner reconsider the requirement for Applicant to elect a single species. Applicant respectfully submits that the species are related to each other in that sealing of the microfluidic trench to seal the end of the trench and providing a roof structure can be used together to achieve the result of trapping the living moiety. In fact, in many scenarios, it would likely be desirable to utilize both options – to both seal the ends of the trench and to provide a roof structure over the trench. Thus, these two species are related to each other and one skilled in the art would likely not choose one or the other “species” but rather opt to both seal the ends of the trench and place a roof over the trench to achieve a good result. For at least

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these reasons, Applicant respectfully requests that the Examiner withdraw the species requirement and examine all of claims 1-15.

### CONCLUSION

In view of the foregoing, Applicants respectfully submit that the present application is ready for consideration on the merits of at least claims 1-15.

If any issues remain, that prohibit an Office Action on the merits of at least claims 1-15 of the application, it is respectfully requested that the undersigned be contacted at 203-575-2648 for a telephone interview prior to the issuance of a next office action.

Respectfully submitted,

  
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